

REMARKS/ARGUMENTS

1.) Claim Amendments

The Applicant has amended claims 14, 23, 24, and 25. Applicant respectfully submits no new matter has been added. Accordingly, claims 14-26 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

2.) Claim Rejections – 35 U.S.C. § 102(b)

Claims 14, 15, 17-19, 22-25 stand rejected under 35 U.S.C. 102(b) as being anticipated by Li, *et al.* (US 2003/0169681). The Applicant respectfully traverses the Examiner's rejections and submits the following remarks for the Examiner's favorable reconsideration. The Applicant has further amended independent claims 14, 23, 24, and 25 to more clearly and distinctly claim the subject matter which the Applicant considers as his invention.

It is important to remember that anticipation requires that the disclosure of a single piece of prior art reveals every element, or limitation, of a claimed invention. Furthermore, the limitation that must be met by an anticipatory reference are those set forth in each statement of function in a claims limitation, and such a limitation cannot be met by an element in a reference that performs a different function, even though it may be part of a device embodying the same general overall concept. Li fails to anticipate each and every limitation of claim 14. Therefore, claim 14 is not anticipated.

Claim 14 recites:

14. A method in a multicarrier wireless telecommunication system for radio communication between base stations and mobile user stations, comprising the step of:

detecting a presence of an acquisition channel by a mobile station for mobile station search purposes;

transmitting information signals, over the detected acquisition channel, relating to size and location of operational bands of the radio spectrum used by the system;

wherein the information signal comprises information of the bandwidth and location in the spectrum of the operational bands as part of the information in one or more sub carriers of the bands. (emphasis added)

The Applicant has amended claim 14 which now recites that the mobile station detects a presence of an acquisition channel by a mobile station for mobile station search purposes and that the information is sent over the acquisition channel. No new matter has been added. Support for this amendment is found on page 4, line 29 to page 5, line 4 of the Applicant's specification.

The Applicant's invention is directed to transmitting bandwidth information to a mobile station. The mobile station first detects the presence of one or more acquisition channels for cell search purposes. These acquisition channels are different from other types of signals. Thus, there is a very small probability to mistake these acquisition channels from other types of signals (see page 4, lines 29-33 of the Applicant's specification). Information about the size and location of the actual carrier set is transmitted over this acquisition channel.

Li, on the other hand, discloses a method for subcarrier selection for systems. The subcarriers are portioned into groups of at least one cluster of subcarriers, receive an indication of a selection by the subscriber of a selection by the subscriber of one or more groups. The system then allocates at least one cluster to the subscriber.

Li discloses sending pilot OFDM symbols to every subscriber within its cell, but only after the subscriber has contacted the cell (see paragraph 26 of Li). The pilot symbol covers the entire OFDM frequency bandwidth. Li does not disclose sending the information via a specific acquisition channel, but rather sends information on every channel. In addition, the pilot symbols disclosed in Li merely provide time and frequency synchronization, channel estimation and SINR ration measurements for cluster allocation. Li does not disclose transmitting information on the size and location of the bandwidth. Furthermore, Li does not provide information to all mobile station, but only those mobile stations that have first initiated contacted with the cell.

In regards to claim 18, the Examiner cites Figure 12 of Li as disclosing the start and stop frequencies of the band. However, Li, either in Figure 12 or the specification, does not disclose sending this information to the mobile station via an acquisition channel.

Thus, Li does not disclose all the elements recited in claim 14. Specifically, Li does not disclose transmitting an acquisition channel having information relating to the location and size of operation bands for mobile station attempting to acquire a channel of the telecommunication system. Independent claims 23, 24, and 25 contain limitations analogous to claim 14 and also are not disclosed in Li. Claims 15, 17-19, and 22 depend from amended claim 14 and recite further limitations in combination with the novel elements of claim 14. Therefore, the allowance of claims 14, 15, 17-19, 22-25 is respectfully requested.

3.) Claim Rejections – 35 U.S.C. § 103 (a)

Claims 16, 20 and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Li, *et al.* (US 2003/0169681) in view of Walton, *et al.* (US 2003/0081538). The Applicant respectfully traverses the Examiner's rejections and submits the following remarks for the Examiner's favorable reconsideration. The Applicant has further amended independent claims 14 and 25 to more clearly and distinctly claim the subject matter which the Applicant considers as his invention.

As discussed above, Li does not disclose transmitting an acquisition channel having information relating to the location and size of operation bands. The addition of Walton does not make up the missing elements. Therefore, the combination of Li and Walton does not teach or suggest the Applicant's invention as recited in independent claims 14 and 25. Claims 16 and 20 depend from amended claim 14 and recite further limitations in combination with the novel elements of claim 14. Claim 26 depends from amended claim 25 and recites further limitations in combination with the novel elements of claim 25. Therefore, the allowance of claims 16, 20, and 26 is respectfully requested.

4.) Prior Art Not Relied Upon

On page 6 of the Office Action, the Examiner stated that the prior art made of record and not relied upon is considered pertinent to the Applicant's disclosure.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

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